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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,178	04/14/2004	Chitra Jain	67519.001042	6347
21967 7590 03/16/2010 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER JANVIER, JEAN D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,178

Applicant(s)

JAIN ET AL.

Examiner

JEAN JANVIER

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-14 and 16-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-14 and 16-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date: ____

Response to Applicant's Arguments

101 Rejection

The Examiner herein drops the 101 Rejection.

112 Rejection

The Examiner herein drops the 101 Rejection.

102 Rejection

The Examiner appreciates the Applicant's effort in interpreting the prior art disclosure and submitting a meaningful response therein.

Applicant's arguments regarding the art rejection are moots in view of the new grounds of rejection. In other words, Applicant's remarks are fully addressed in the Office Action.

Further, contrary to the connotation or definition attributed to "financial card" by the Applicant, the phrase "financial card", as claimed in at least claim 1, is broadly interpreted so as to include any "financial instrument" usable in conducting a financial transaction including paying for a transaction. In fact, Giordano teaches that once the a customer is properly identified at a POS or dispenser 14, then **a transaction at the (activated) dispenser (14) is permitted and charged to the customer's account according to the customer identification data as read from the transponder. Once the customer is properly identified, the transaction is allowed according to a generated or pre-determined plan or the customer's account and the value of the transaction or the balance due is charged to the customer's account (reading on receiving purchase information from one or more purchases made by a customer from an affiliate or particular merchant using a transponder having RFID tag coupled thereto (i.e. financial card with an RFID tag) that stores a financial account and the customer's identification**

data (CID), the purchase information includes one or more items, such as gasoline, purchased during one or more transactions **page 5: 17-23, page 35: 32-34; fig. 3B). Customer can dispense fuel and/or order goods (e.g. goods, services, car wash) at the pump or POS, all of which is charged to the customer account identified by the transponder data- page 35: 32-34).** Thus, contrary to the Applicant's contention, the prior art transponder, having an RFID device/module/component coupled thereto, functions like the claimed "financial card" having an RFID device connected thereto.

Therefore, the Applicant's request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Applicant's arguments as herein presented are not convincing and thus, the current **Office Action has been made Final.**

Detailed Action

Specification

Claim Status

Claims 1-3, 5-14 and 16-33 are currently pending in the Instant Application.

Claim Objections

Claims 1, 12, 24, 28 and 33 are objected because of the following informalities-

Concerning claims 1, 12, 24 and 33, "purchase history information" should apparently be - -purchase information- -.

Concerning claim 28, the claim recites "A system of providing personalized customer service, the system comprising **a financial card issuer**, the financial card issuer including:"

Here, it appears that the claimed “**financial card issuer**” may include a “human being”. This is improper under 35 USC 101 {{MPEP §2105 Patentable Subject Matter- Living Subject Matter states “If the broadest reasonable interpretation of the claimed invention as a whole encompasses a human being, then a rejection under 35 U.S.C. §101 must be made indicating that the claimed invention is directed to nonstatutory subject matter.” }}.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 17, 26 and 31 are rejected under 35 USC 112, second paragraph as being indefinite for reciting the auxiliary verb “can”, which creates a sense of uncertainty therein.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 5-14 and 16-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Pliha, USP 7,580,856, in view of Giordano, WO 97/24689.

As 1-3, 5-14 and 16-33, Pliha discloses an incentive distribution system used in distributing, tracking and redeeming product incentives offered by manufacturers and distributors of consumer goods through a financial institution. A financial institution distributes an incentives list to each of its customers, based on information relating to the customers, containing the incentives relating to the category for which the customer qualifies. Qualifying criteria includes transactional activity (**purchase information**) within the account held with the financial institution (card provider) distributing the incentives, demographic data relating to the customer and various account data. The system tracks purchases made by a customer at a participating retailer or dealership and updates the customer's qualifications based on those purchases. Further, the financial institution acts as a redemption warehouse by debiting the accounts of the manufacturers and distributors offering the incentives and crediting the accounts held by the retailers and dealerships honoring the incentives (See abstract).

The present system is adapted to identifying at least one incentive for financial institution customers. The system receives incentive information from incentive providers or manufacturers and data from financial institutions relating to the customers. The system analyzes, for example, a customer's financial data or transaction data including purchase information (customer's transaction activity) received from one or more retailers, dealers etc., and selects a desired

incentive (rebate, product rewards and frequent shopper rewards) from a plurality of incentives for the customer based on the results of the analyzing (col. 4: 46-54; col. 5: 5-23; col. 5: 34-51).

When a financial institution customer has been detected at a retailer or dealership checkout location, via a smart card or credit/debit card having a financial account embedded thereon, a transaction log or purchase information file, including identification of purchased products, is compiled and communicated to the financial institution for storage in a database (receiving purchase information or transaction log from one or more merchants by a management system or financial institution or financial card provider central computer for storage in a system database/storage). The financial institution's (financial provider) central computer system or designated outsourcing intermediary referred to as a system manager sorts (analyzes) the transaction log in order to determine whether the transaction corresponds to an incentive offered by a manufacturer or distributor (analyzing the identified customer's purchase information to determine if it matches a manufacturer's incentives and, in the affirmative, providing the incentive or applying an associated discount to the customer's order.....). A financial institution can appoint a third-party company to manage and control the network administration. After sorting the transaction log, the financial institution's redemption system manages and controls the redemption process between the financial institution, retailers, distributors, manufacturers and dealerships (col. 6: 4-18). **One advantage that is realized by allowing the financial institution to control the redemption process is the reduction in fraudulent redemptions and the miscalculation of the discount amount or percentage charge incurred by the manufacturer or distributor** (col. 6: 19-23).

The incentive distribution system assists financial institutions in attracting new customers,

obtaining new interest-bearing accounts, offering inducements for customers to obtain loans, providing means for cross-selling other financial products or services to their customers, and furnishing the institutions with new revenue streams. **Distributing consumer product incentives through a financial institution network can greatly increase the "coupon" redemption yield while reducing the distribution cost to the consumer product manufactures and distributors (col. 6: 33-43).**

The incentive distribution system can motivate customers of a financial institution to use cards such as ATM, Debit, Credit, or Smart Cards as an alternative to frequent shopper membership cards, or to use the aforementioned cards when a participating retailer does not have a frequent shopper program in operation. Using a card listed above to identify a customer at a retailer's point of service (POS) checkout location is an alternative method of tracking a customer's usage of the product incentives offered by the financial institution (col. 6: 44-52).

In general, the system is configured to monitor or track the movement of a customer, using a smart card, credit card, debit card or an ATM card during transactions, through a retailer or dealership network. Each transaction made by the identified customer is recorded by the retailer or dealership with whom the transaction was made and the transaction data or purchase information (purchase history), including identification of items purchased during the transactions, are transmitted to the financial institution for storage (receiving purchase information by a management system or financial institution system, which stores the purchase information in a database). The customer is later identified, via a smart card or credit/debit card, containing the customer's financial account, read by a card reader, at a retailer's POS where a personalized service or a targeted incentive is provided to the identified customer based on the

stored purchase information retrieved from the financial institution system database. The incentive distribution system is implemented using a plurality of integrated databases located within financial institutions, retailers, dealerships, current point-of-sale locations and order processing systems. (Col. 5: 61 to col. 6: 18; figs. 1A-1C). See col. 4: 46 to col. 7: 2.

As per claims 1, 3, 10, 12, 14, 21, 23, 28 and 33, although Pliha discloses storing or encoding a customer's (financial) account on a smart card or credit/debit card useful in identifying the customer, however, Pliha does not expressly disclose that the smart card or credit/debit card (financial card) has an RFID device or component coupled thereto, wherein the RFID device is automatically read by an RFID reader at a merchant's POS during a transaction.

However, Giordano discloses a method of and a system for providing a fuel dispenser (14) with radio frequency customer identification capabilities via customers' transponders (wireless devices or RF devices) mounted on vehicles or handheld (**key chain, fob, etc.**) transponders having RFID devices coupled thereon. The system and method determine whether a transponder (23, 25) containing customer identification data is within (proximity) range of a dispenser (14) that requires activation by the customer to initiate a transaction, such as a fuel transaction, and has an associated reader (20) for emitting radio frequency signals and receiving customer identification data from the transponder (23, 25) responsive to the emitted radio frequency signals (detecting the presence of a customer within a business establishment). When the transponder (23, 25) is within range of the dispenser, an in-range indication is provided to the customer carrying the transponder. Upon activation of the dispenser (14) following a

determination that the transponder (23, 25) is within range, the customer identification data (CID) received by the reader (20) is associated with a current transaction at the activated dispenser. **The transaction at the activated dispenser (14) is then permitted and charged to the customer's account according to the customer identification data as read from the transponder. Once the customer is properly identified, the transaction is allowed according to a generated or pre-determined plan or the customer's account and the value of the transaction or balance due is charged to the customer's account (reading on receiving purchase information from one or more purchases made by a customer from an affiliate or particular merchant using a transponder having RFID tag coupled thereto (i.e. financial card with an RFID tag) that stores a financial account and the customer's identification data (CID), the purchase information includes one or more items, such as gasoline, purchased during one or more transactions..... page 5: 17-23, page 35: 32-34; fig. 3B). Customer can dispense fuel and/or order goods (e.g. goods, services, car wash) at the pump or POS, all of which is charged to the customer account identified by the transponder data- page 35: 32-34)**

Further, Giordano teaches providing loyalty benefits (engagement plan or service) to the customer, based on the customer's profile (tracking or monitoring data or purchase history of the customer **stored in a storage separate from the financial card or customer's transponder**), during one or more transactions conducted via the transponder or remote communication unit (i.e. financial card), in which the customer's (financial) account is charged accordingly.

Following a validation process at the POS, upon reading the customer identification data (CID) from the memory of the transponder (i.e. RFID device), a sale is permitted wherein the customer can dispense fuel and/or order goods, such as food, services, car wash at the pump, all

of which is charged to the customer's (financial) account identified by the transponder (based on the read CID). **The system may offer, by displaying a promotional message on a display (CAT) terminal, to the customer a free car wash (personalized service) if the customer has purchased fuel a certain number of times** (as read from the customer's collected purchase history conducted via the transponder or in association with the CID and/or financial account). The Customer's information (i.e. purchase history) is stored in the system database. The system or host may also store a copy of the customer's information into the customer's transponder memory, which is periodically updated by the system. In other words, the system or network keeps track of the customer's past purchases and buying preferences and provides rewards for frequent purchases (storing the customer's purchase history in a separate database, conducted via a transponder or in association with the CID and/or financial account, and providing customized or tailored service or rewards to the customer based on the stored purchase history). When a transponder is read at a business facility, the CAT or terminal, related to the fuel dispenser, can display a message indicating rewards, such as a free car wash, that the customer is entitled to. The network or system also stores the customer's profile, such as name, address, payment account information, preferred method of payment, preferred language and so forth, and provides customized service for the customer based on the stored profile (determining or generating an engagement plan for the customer in accordance with the customer's profile).

See abstract; figs 1-31; page 5: 9 to page 6: 17; page 13: 15 to page 24:16; page 30: 22-32; page 35: 32 to page 36: 20; page 55: 5-25.

Therefore, it would have been obvious to an ordinary skilled artisan, at the time of the

invention, to incorporate the teachings of Giordano into the system of Pliha so as to couple an RFID tag/device/component to the smart card or credit/debit card storing the customer's account (financial account) such that the customer can be remotely and automatically identified when he is near an RFID reader located at a merchant's POS without the customer having to physically present or scan his smart card or credit/debit card at the POS and data related to the customer's prior purchase information (purchase history) are immediately downloaded from the financial institution central to the merchant's POS system to facilitate a transaction, involving the customer's account, including the providing of a targeted incentive, when the customer's purchase data meet a manufacturer's/provider's incentive criteria, or the redeeming of an incentive at the merchant's POS, thereby seamlessly identifying a customer long before the customer initiates a transaction when the customer is within a certain distance from the merchant's POS RFID device reader by remotely retrieving the customer's (financial) account data from the memory of the customer's smart card or credit/debit card, while speeding up a transaction at the merchant's POS by having the customer's data including purchase data ready at the POS even before the customer engages in a transaction.

Claims 1, 3, 6-12, 14, 16-22 and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Giordano, WO 97/24689, in view of Pliha, USP 7,580,856.

As per claims 1, 3, 6-12, 14, 16-22 and 33, Giordano discloses a method of and a system for providing a fuel dispenser (14) with radio frequency customer identification capabilities via customers' transponders (wireless devices or RF devices) mounted on vehicles or handheld (key

chain, fob, etc.) transponders having RFID devices coupled thereon. The system and method determine whether a transponder (23, 25) containing customer identification data is within (proximity) range of a dispenser (14) that requires activation by the customer to initiate a transaction, such as a fuel transaction, and has an associated reader (20) for emitting radio frequency signals and receiving customer identification data from the transponder (23, 25) responsive to the emitted radio frequency signals (detecting the presence of a customer within a business establishment). When the transponder (23, 25) is within range of the dispenser, an in-range indication is provided to the customer carrying the transponder. Upon activation of the dispenser (14) following a determination that the transponder (23, 25) is within range, the customer identification data (CID) received by the reader (20) is associated with a current transaction at the activated dispenser. **The transaction at the activated dispenser (14) is then permitted and charged to the customer's account according to the customer identification data as read from the transponder. Once the customer is properly identified, the transaction is allowed according to a generated or pre-determined plan or the customer's account and the value of the transaction or balance due is charged to the customer's account (reading on receiving purchase information from one or more purchases made by a customer from an affiliate or particular merchant using a transponder having RFID tag coupled thereto (i.e. financial card with an RFID tag) that stores a financial account and the customer's identification data (CID), the purchase information includes one or more items, such as gasoline, purchased during one or more transactions.....** page 5: 17-23, page 35: 32-34; fig. 3B). **Customer can dispense fuel and/or order goods (e.g. goods, services, car wash) at the pump or POS, all of which is charged to the customer account identified by the**

transponder data- page 35: 32-34)

Further, Giordano teaches providing loyalty benefits (engagement plan or service) to the customer, based on the customer's profile (tracking or monitoring data or purchase history of the customer **stored in a storage separate from the financial card or customer's transponder**), during one or more transactions conducted via the transponder or remote communication unit (i.e. financial card), in which the customer's (financial) account is charged accordingly.

Following a validation process at the POS, upon reading the customer identification data (CID) from the memory of the transponder (i.e. RFID device), a sale is permitted wherein the customer can dispense fuel and/or order goods, such as food, services, car wash at the pump, all of which is charged to the customer's (financial) account identified by the transponder (based on the read CID). **The system may offer, by displaying a promotional message on a display (CAT) terminal, to the customer a free car wash (personalized service) if the customer has purchased fuel a certain number of times (as read from the customer's collected purchase history conducted via the transponder or in association with the CID and/or financial account).** The Customer's information (i.e. purchase history) is stored in the system database. The system or host may also store a copy of the customer's information into the customer's transponder memory, which is periodically updated by the system. In other words, the system or network keeps track of the customer's past purchases and buying preferences and provides rewards for frequent purchases (storing the customer's purchase history in a separate database, conducted via a transponder or in association with the CID and/or financial account, and providing customized or tailored service or rewards to the customer based on the stored purchase history). When a transponder is read at a business facility, the CAT or terminal, related to the

fuel dispenser, can display a message indicating rewards, such as a free car wash, that the customer is entitled to. The network or system also stores the customer's profile, such as name, address, payment account information, preferred method of payment, preferred language and so forth, and provides customized service for the customer based on the stored profile (determining or generating an engagement plan for the customer in accordance with the customer's profile).

See abstract; figs 1-31; page 5: 9 to page 6: 17; page 13: 15 to page 24:16; page 30: 22-32; page 35: 32 to page 36: 20; page 55: 5-25.

As per claims 1, 12 and 33, Giordano does not explicitly disclose that a financial institution or financial card provider, different from a merchant or retailer, stores a customer's purchase information in a database for later retrieval and usage at a merchant's POS to provide an incentive to a customer or to facilitate the redemption of an incentive.

However, Pliha discloses an incentive distribution system used in distributing, tracking and redeeming product incentives offered by manufacturers and distributors of consumer goods through a financial institution. A financial institution distributes an incentives list to each of its customers, based on information relating to the customers, containing the incentives relating to the category for which the customer qualifies. Qualifying criteria includes transactional activity (**purchase information**) within the account held with the financial institution (card provider) distributing the incentives, demographic data relating to the customer and various account data. The system tracks purchases made by a customer at a participating retailer or dealership and updates the customer's qualifications based on those purchases. Further, the financial institution

acts as a redemption warehouse by debiting the accounts of the manufacturers and distributors offering the incentives and crediting the accounts held by the retailers and dealerships honoring the incentives (See abstract).

The present system is adapted to identifying at least one incentive for financial institution customers. The system receives incentive information from incentive providers or manufacturers and data from financial institutions relating to the customers. The system analyzes, for example, a customer's financial data or transaction data including purchase information (customer's transaction activity) received from one or more retailers, dealers etc., and selects a desired incentive (rebate, product rewards and frequent shopper rewards) from a plurality of incentives for the customer based on the results of the analyzing (col. 4: 46-54; col. 5: 5-23; col. 5: 34-51).

When a financial institution customer has been detected at a retailer or dealership checkout location, via a smart card or credit/debit card having a financial account embedded thereon, a transaction log or purchase information file, including identification of purchased products, is compiled and communicated to the financial institution for storage in a database (receiving purchase information or transaction log from one or more merchants by a management system or financial institution or financial card provider central computer for storage in a system database/storage). The financial institution's (financial provider) central computer system or designated outsourcing intermediary referred to as a system manager sorts (analyzes) the transaction log in order to determine whether the transaction corresponds to an incentive offered by a manufacturer or distributor (analyzing the identified customer's purchase information to determine if it matches a manufacturer's incentives and, in the affirmative, providing the incentive or applying an associated discount to

the customer's order.....). A financial institution can appoint a third-party company to manage and control the network administration. After sorting the transaction log, the financial institution's redemption system manages and controls the redemption process between the financial institution, retailers, distributors, manufacturers and dealerships (col. 6: 4-18). **One advantage that is realized by allowing the financial institution to control the redemption process is the reduction in fraudulent redemptions and the miscalculation of the discount amount or percentage charge incurred by the manufacturer or distributor** (col. 6: 19-23).

The incentive distribution system assists financial institutions in attracting new customers, obtaining new interest-bearing accounts, offering inducements for customers to obtain loans, providing means for cross-selling other financial products or services to their customers, and furnishing the institutions with new revenue streams. **Distributing consumer product incentives through a financial institution network can greatly increase the "coupon" redemption yield while reducing the distribution cost to the consumer product manufactures and distributors** (col. 6: 33-43).

The incentive distribution system can motivate customers of a financial institution to use cards such as ATM, Debit, Credit, or Smart Cards as an alternative to frequent shopper membership cards, or to use the aforementioned cards when a participating retailer does not have a frequent shopper program in operation. Using a card listed above to identify a customer at a retailer's point of service (POS) checkout location is an alternative method of tracking a customer's usage of the product incentives offered by the financial institution (col. 6: 44-52).

In general, the system is configured to monitor or track the movement of a customer, using a smart card, credit card, debit card or an ATM card during transactions, through a retailer

or dealership network. Each transaction made by the identified customer is recorded by the retailer or dealership with whom the transaction was made and the transaction data or purchase information (purchase history), including identification of items purchased during the transactions, are transmitted to the financial institution for storage (receiving purchase information by a management system or financial institution system, which stores the purchase information in a database). The customer is later identified, via a smart card or credit/debit card, containing the customer's financial account, read by a card reader, at a retailer's POS where a personalized service or a targeted incentive is provided to the identified customer based on the stored purchase information retrieved from the financial institution system database. The incentive distribution system is implemented using a plurality of integrated databases located within financial institutions, retailers, dealerships, current point-of-sale locations and order processing systems. (Col. 5: 61 to col. 6: 18; figs. 1A-1C). See col. 4: 46 to col. 7: 2.

Therefore, it would have been obvious to an ordinary skilled artisan, at the time of the invention, to incorporate the teachings of Pliha into the system of Giordano so as to have a financial institution (card provider) distribute, control, manage the delivery of the incentives, on behalf of the incentive providers, to the customers and the redemption thereof by collecting from the various merchants' POSes all transaction logs or purchase information recorded via the customers' smart cards, credit/debit cards and RFID transponders and usable in determining if a customer's purchase information meets a manufacturer's/provider's incentive criteria to receive an incentive, thereby increasing the "incentive" redemption yield, while reducing the distribution cost to the consumer product manufactures and distributors (col. 6: 33-

43 of Pliha), curtailing fraudulent redemptions and the miscalculation of the discount amount or percentage charge incurred by the manufacturer or distributor (col. 6: 19-23 of Pliha) and while decreasing the manufacturers' or incentive providers' liability.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 20020174025A1 to Hind discloses, in one embodiment, a wireless communication device in the form of a shopping cart attachment device attached to a shopping cart operated by the customer. **The customer is provided with a customer card such as a RFID** (Radio Frequency Identification) tagged card, which is pre-stored with the customer's preference information (including purchase data or history). The shopping cart attachment device is configured to scan the preference information from the customer card carried by the customer. Then the scanned preference information is communicated to the data processor using short-range wireless communication techniques. Based on this preference information, the data processor provides targeted advertising and/or personalized customer service to the customer using a display device of the shopping cart attachment device [0012]. In accordance with another embodiment, each customer's preferences (including purchase data or purchase history) are pre-stored in a central location and are associated with a unique customer ID. **The customer ID is stored on the customer card** carried by the customer. The shopping cart attachment device reads the customer ID from the customer card (including a credit card having a financial account). Based on this customer ID, the data processor retrieves pre-stored preference

information associated with this customer ID. Based on the retrieved preference information, the data processor provides targeted advertising and/or personalized customer service to the customer on a display device of the shopping cart attachment device (storing the purchase history or preference in a central computer, identifying the card or financial account based on the customer's ID read from the card memory and displaying a tailored service to the customer based on the preference or purchase history-fig. 4; [0013], [0024]). All of those customer services are provided or displayed to the customer based on the customer's preference information such as the customer's preferred products, brands, sizes, price range, color, stores, language, currency, etc., so that most appropriate and personalized customer services can be provided to the customer. Any information necessary to provide such customer services can be stored in the customer service database 17 of fig. 4 or other location accessible by the data processor 14 [0026].

Further, with respect to fig. 4, the customer card reader 55 is a conventional card reader for reading a customer card 62 such as a membership card, a credit card, a debit card, a customer ID card such as Harris Teeter's VIC, etc. The customer card 62 includes a storage unit 80 for storing the customer's personal information (including ID). The storage unit 80 can be in the form of an optical medium, a magnetic stripe, a chip, a RFID (Radio Frequency Identification) tag, a hologram, etc. Depending on the type of the storage unit 80, the type of the customer card reader 55 will vary. For example, if the storage unit 80 of the customer card 62 is a RFID tag, the customer card reader 55 will be a RFID tag reader for scanning radio signals from the RFID tag wirelessly. If the storage unit 80 of the customer card 62 is a semiconductor chip, then the customer card reader 55 is a smart card reader for reading the chip when the

customer card 62 is inserted into the card reader 55. All these storage units and card readers are well known in the art [0032] (the customer's card or financial card 62, such as a credit card, having a memory 80 in the form of an RFID tag or RFID device for storing a customer ID and default financial information including a financial card account; the system is configured to retrieve the customer's preference information or purchase data or history from a central database based on the identity (ID) of the customer's read from the card memory 80 and to display tailored services to the customer based on the retrieved information.....[0035]-[0036]).

USP 6, 422, 464 to Terranova teaches a system or a fuel dispensing system including a fuel dispenser associated with a control system and a receiver adapted to receive signals, including identification indicia from a remote communications unit (transponder, handheld device, fob, etc. having an RFID tag coupled thereto) associated with a customer when a cash, credit or pre-paid transaction is indicated within an establishment or gas station. A cash transaction indicator is adapted to signal the control system that a cash transaction is taking place, and may be selectable by the customer or an operator of the system at the beginning of the transaction. The system also includes a transmitter adapted to transmit the customer-related information to the remote communication unit (transponder) associated with the customer where it is locally stored or has memory for storing the customer-related information in association with the identification indicia. The system is further configured to store credit for change due to the customer based on a cash transaction and provide and store loyalty points on or in association with the customer's transponder (determining an engagement plan related to the customer-See abstract). Terranova further discloses a system configured to provide various types of loyalty benefits (engagement

plan) based on past and/or current transactions. Loyalty benefits will be provided to a customer in order to encourage subsequent return to a particular fueling environment or one of an associated group of environments. The benefit may also encourage the purchase of additional products during the current or a subsequent transaction. The benefits may include cash rebates or discounts providing a type of electronic couponing to enhance merchandising and marketing efforts. A loyalty point may be earned by a customer for each transaction, transaction amount, or type or quantity of a particular product or service. For example, a loyalty point may be earned for each gallon of gas purchased or for a fill-up requiring eight or more gallons of gas. The store operators have tremendous flexibility in determining the various criteria for earning loyalty points. Additionally, the loyalty benefits or points (stored in the customer's transponder memory) are preferably redeemed by a customer in part or in whole on subsequent visits to the same or an associated fueling environment when the customer's presence is detected within an establishment via his transponder storing at least the customer's identification or indicia. Redeeming points at a subsequent transaction provides an incentive for a customer to return to environments participating in the benefit program. Although redeeming points on a subsequent purchase is preferred, benefits may be made immediately available based solely on the current transaction. Furthermore, the benefits may be based upon current and prior transactions and allow for both current and subsequent benefit. The transponder (fob or card) can be charged or used to pre-pay for gasoline (col. 14: 59: 63 to col. 15: 60; FIG. 10C). See col. 15: 63 to col. 19: 8; figs. 26A and 9; col. 11: 5-20.

US 20040093265A1 to Ramchandani discloses a method for outputting information about a person includes identifying the person utilizing a wireless system upon entry into a

physical location, and also includes locating the person within the physical structure. An engagement plan is retrieved based on the identification of the person and output. The engagement plan has information useful for interacting with the person. The engagement plan is created based at least in part on personal information of the person, the preferences of the person, and the past transactions of the person. A system for outputting information about a person, such as a customer, includes an object carried by the person, which is capable of being identified by a wireless system. A wireless interface communicates with the object. A computing device correlates the identification of the object with the person. An output device outputs information relating to the person (See abstract).

US 2004/0093265A discloses a method for outputting information about a person including identifying the person utilizing a wireless system upon entry into a physical location, and also includes locating the person within the physical structure. An engagement plan is retrieved based on the identification of the person and output. The engagement plan has information useful for interacting with the person. The engagement plan is created based at least in part on personal information of the person, the preferences of the person, and the past transactions of the person. A system for outputting information about a person, such as a customer, includes an object carried by the person, which is capable of being identified by a wireless system. A wireless interface communicates with the object. A computing device correlates the identification of the object with the person. An output device outputs information relating to the person (See abstract).

US2002/0198803 to Rowe discloses one or more methods and apparatus for facilitating monetary and commercial transactions. One or more embodiments of the invention comprise a method of a customer establishing a financial account with an account provider, the account having features particularly useful in facilitating monetary and commercial transactions. One or more embodiments of the invention comprises one or more methods and apparatus associating a plurality of financial account reward programs with financial transactions, the financial transactions engaged in using a credit card, debit card, smart card or other financial instrument associated with the customer's cash or credit based financial account, where each of the financial transactions are grouped into a plurality of transaction categories, the categories assigned to a plurality of reward programs. Reward program information is generated from financial transactions information from financial transactions assigned to particular categories. A customer may use and manage reward information remotely (See abstract).

US2002/0091562 to Siegel discloses a customer maintains an Electronic Information Account (EIA) on a data storage device, such as on a portable electronic device (e.g., personal digital assistant) or on a nonvolatile memory device (e.g., smart card, memory stick). On the storage device, the EIA includes a customer profile and transaction records for later reference and for selective electronic communication to merchants and sources of goods or services for purposes of speeding a transaction, suggesting future purchases based on prior transactions, confirming product warranty registration, and limiting transactions for subordinate customers. Comprehensive capturing of transaction records is provided by synchronizing the data stored on the customer data storage device and on a remotely stored duplicate customer profile and database of transaction records (See abstract).

USP 6,587,835 to Trey discloses a system in which a handheld computing device may be used to provide a user with shopping assistance services. A shopping assistance service may allow a user to obtain directory information for a shopping mall. A user may use the handheld computing device to handle shopping lists. The handheld computing device may display promotional material based on the shopping lists. The handheld computing device may be used to obtain information on products being sold in a store. Products may be purchased using wireless financial transactions. Reminders and other messages may be sent to the handheld computing device. The location of the handheld computing device may be monitored. Services may be provided to the user based on the location of the handheld computing device. The handheld computing device may communicate with communications equipment in retail establishments using a local wireless link (See abstract).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571)272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Ms. Lynda Jasmin, can be reached at (571)272-6782.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

3/12/10

/J. J./

/Jean Janvier/

Primary Examiner, Art Unit 3688

